

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
ST. LOUIS DIVISION**

THE STATE OF ARKANSAS; THE STATE OF  
MISSOURI; THE STATE OF IOWA; THE STATE OF  
NEBRASKA; THE STATE OF NORTH DAKOTA; THE  
STATE OF SOUTH DAKOTA; A.F., a minor, by Sara  
Ford, her mother,

*Plaintiffs,*

v.

UNITED STATES DEPARTMENT OF EDUCATION;  
MIGUEL CARDONA, in his official capacity as  
Secretary of the United States Department of  
Education; CATHERINE E. LHAMON, in her official  
capacity as Assistant Secretary for Civil Rights at  
the United States Department of Education;  
RANDOLPH WILLS, in his official capacity as  
Deputy Assistant Secretary for Enforcement at the  
United States Department of Education,

*Defendants.*

Case No.: 4:24-cv-636

**MOTION FOR A 5 U.S.C. 705 STAY AND PRELIMINARY INJUNCTION**

Under 5 U.S.C. 705, Plaintiffs move for a stay of the Final Rule titled “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.” *See* 89 Fed. Reg. 33,474. In the alternative, Plaintiffs move for a preliminary injunction under Fed. R. Civ. P. 65 to enjoin Defendants from implementing or enforcing that rule. The Final Rule is scheduled for full implementation on August 1, 2024. In support of this motion, Plaintiffs rely on the arguments in the accompanying brief.

Dated: May 21, 2024

Respectfully submitted,

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